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Attorney for Defendants  
Horizon Global Americas Inc. and  
The AMES Companies, Inc.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Cassar Industries, Inc., doing business as  
FlexSweep Industries,

Plaintiff,

v.

Horizon Global Americas Inc., doing business as  
Cequent Consumer Products,

The AMES Companies, Inc., doing business as  
Harper Brush Works,

Defendants.

Case No.: 3:18-cv-7280-SK

**DEFENDANTS' ANSWER TO  
PLAINTIFF'S COMPLAINT**

**DEMAND FOR JURY TRIAL**

Honorable Sallie Kim

For its answer to the complaint (ECF #1) of plaintiff Cassar Industries, Inc., Defendants  
Horizon Global Americas Inc. ("Horizon") and The AMES Companies, Inc., state:

1. Upon information and belief, admitted.
2. Defendants admit that Horizon is a Delaware corporation with a principal place of  
business in Michigan. Otherwise, Defendants deny the allegations in paragraph 2.
3. Admitted.

1           4.     The allegations of the complaint are insufficiently definite and certain to allow  
2 Defendants to admit or deny this allegation and, on that basis, Defendants deny the allegations of this  
3 paragraph of the complaint.

4                               First Count (Contributory Trademark Infringement)

5           5.     Defendants incorporate by reference each and every response contained in Paragraphs  
6 1-4 of this Answer as though fully set forth herein.

7           6.     Defendants lack sufficient information or belief to allow them to admit or deny the  
8 allegations of paragraph 6 of the complaint and, on that basis, deny them.

9           7.     Defendants admit that Plaintiff sold its connectors to Defendants, but otherwise deny  
10 the allegations in paragraph 7.

11           8.     Defendants lack sufficient information or belief to allow them to admit or deny the  
12 allegations of paragraph 8 of the complaint and, on that basis, deny them.

13           9.     Denied.

14           10.    Defendants lack sufficient information or belief to allow them to admit or deny the  
15 allegations of paragraph 10 of the complaint and, on that basis, deny them.

16           11.    Defendants admit that they stopped using Plaintiff's connectors in their products, but  
17 otherwise deny the allegations in paragraph 11.

18           12.    Denied.

19           13.    Denied.

20           14.    Denied.

21           15.    Denied.

22                               Second Count (False Description)

23           16.    Defendants incorporate by reference each and every response contained in Paragraphs  
24 1-15 of this Answer as though fully set forth herein.

25           17.    Admitted.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

Prayer for Relief

1. Denied.

2. Denied.

3. Denied.

Affirmative Defenses

1. Plaintiff's claims are barred, in whole or in part, for failure to state a claim upon which relief may be granted.

2. Plaintiff is barred from pursuing its claims in the Northern District of California because venue is improper and the Complaint should be dismissed under Rule 12(b)(3) of the Federal Rules of Civil Procedure or, in the alternative, transferred to the proper venue.

3. Plaintiff lacks standing to assert the claims alleged herein.

4. Plaintiff lacks privity required to assert the claims alleged herein.

5. Plaintiff incurred no damages proximately caused by any acts or conduct of Defendants.

6. Plaintiff has no adequate remedy at law.

7. Plaintiff failed to mitigate any alleged damages.

8. Plaintiff's claims are barred by the equitable doctrines of waiver, estoppel, and laches.

9. Defendants reserve the right to raise additional affirmative defenses as they become known through discovery or otherwise, and hereby reserve the right to amend their answer and affirmative defenses to assert any such defense.

Respectfully submitted,

Dated: April 19, 2019

/s/ Robert E. Camors, Jr.

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**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure and Civil L.R. 3-6(a), Defendants demand a jury trial on all issues triable to a jury in this action.

Dated: April 19, 2019

/s/ Robert E. Camors, Jr.

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